

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE "WATER UTILITIES UNIFORM POLICIES AND PROCEDURES ORDINANCE"; PERTAINING TO UNIFORM POLICIES AND PROCEDURES OF THE WATER UTILITIES DEPARTMENT; PROVIDING A TITLE; PROVIDING FOR A UNIFORM POLICIES AND PROCEDURES MANUAL; PROVIDING FOR AN ADMINISTRATIVE HEARING BOARD; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Uniform Policies and Procedures Manual of the Water Utilities Department ("UPAP") is the codification of the Water Utilities Department's fees, standards, standard legal documents, policies and procedures governing the provision of potable water, reclaimed water, and wastewater services; and

WHEREAS, the Water Utilities Department Administrative Hearing Board has been previously established by resolution of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners wishes to establish the Water Utilities Department Administrative Hearing Board by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. TITLE:

This ordinance shall be known as the "Water Utilities Uniform Policies and Procedures Ordinance."

Section 2. UNIFORM POLICIES AND PROCEDURES MANUAL:

The Board of County Commissioners may establish fees, standards, standard legal documents, policies and procedures for the Water Utilities Department by resolution, which may include, but shall not be limited to, customer fees, customer service and billing procedures, standard development agreements, minimum design and construction standards, cross-connection control/backflow prevention, pretreatment requirements and emergency water use restrictions, which are consistent with or supplementary to applicable codes and ordinances. The resolution shall be known as the "Uniform Policies and Procedures Manual" or "UPAP".

Section 3. ADMINISTRATIVE HEARING BOARD:

(a) *Establishment.* There is hereby created a Water Utilities Department Administrative Hearing Board ("AHB").

(b) *Composition.* The AHB shall be composed of three (3) members. The Board of County Commissioners shall provide for the membership of the AHB by resolution.

(c) *Powers and Duties.* The AHB shall have the following powers and duties:

- (1) To hear and review disputes relating to the correctness of utility bills or imposition of utility fees by the Water Utilities Department pursuant to the UPAP; and
- (2) To hear and review challenges to termination of service by the Water Utilities Department.

In exercising its powers, the AHB may deny a Customer/applicant's request for relief or reduce or adjust utility bills or fees charged or imposed by the Water Utilities Department. In the case of termination of service, the AHB may deny a Customer/applicant's request for relief or order reinstatement of service.

(d) *Procedures for Hearings.* The Board of County Commissioners may adopt procedures for hearings before the AHB by resolution.

Section 4. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 7. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 18 day of April, 2000.

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By: Linda C. Nickman
DEPUTY CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Maudie Ford Lee
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Lana Burke
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 24th day of April, 2000.